

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** Chairman John Esp, on February 13, 2009 at  
3:00 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. John Esp, Chairman (R)  
Sen. Jeff Essmann, Vice Chairman (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ron Erickson (D)  
Sen. Kim Gillan (D)  
Sen. Verdell Jackson (R)  
Sen. Bruce Tutvedt (R)

**Members Excused:** Sen. Steven Gallus (D)  
Sen. Jesse Laslovich (D)

**Members Absent:** None.

**Staff Present:** Leanne Heisel, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 365, 2/5/2009; SB 354, 2/4/2009

Executive Action: SB 8 ~ DO PASS AS AMENDED  
SB 61 ~ TABLED  
SB 272 ~ TABLED  
SB 352 ~ TABLED

**HEARING ON SB 354**

**Opening Statement by Sponsor:**

00:01:23 Sen. Dave Lewis (R), SD 42, opened the hearing on  
SB 354, Revise law on disposal of airport property.

**Proponents' Testimony:**

00:03:49 Pat Melby, representing Helena Regional Airport  
Authority (HRAA)

**EXHIBIT(los34a01)**

00:09:31 Dan Ellison, Chair, HRAA  
00:11:40 Ron Mercer, Director, Helena Regional Airport  
00:14:36 Jeff Wadekamper, President, Montana Airport Managers'  
Association  
00:15:54 L. Harold Blattie, Executive Director, Montana  
Association of Counties (MACo)  
00:17:40 Rick Griffith, Butte Airport Manager  
00:19:26 Terry Myhre, representing Montana Business Assistant  
Connection (MBAC)  
00:20:34 Dick Anderson, Dick Anderson Construction, speaking  
for Summit Aerospace Industries  
00:23:21 Cathy Burwell, President, Helena Area Chamber of  
Commerce  
00:24:56 Liane Taylor, Realtor, Helena  
00:25:17 Tom Ebzery, Attorney, representing Montana Airport  
Managers Association

**Opponents' Testimony:**

00:26:02 Dick Thweatt, member, Plan Helena, Inc.

**EXHIBIT(los34a02)**

00:31:23 Alan Nicholson, Developer, Helena

**EXHIBIT(los34a03)**

00:42:26 Steve Netschert, Realtor, Helena

**EXHIBIT(los34a04)**

00:46:31 Beth Sirr, Nurse

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:47:49 Sen. Essmann  
00:48:02 Ron Mercer  
00:48:57 Sen. Essmann  
00:49:29 Dan Ellison  
00:50:12 Sen. Essmann

**Questions from Committee Members and Responses: (Con't)**

00:50:31 Dan Ellison  
00:50:56 Ron Mercer  
00:52:38 Sen. Essmann  
00:52:49 Ron Mercer  
00:53:19 Sen. Tutvedt  
00:53:44 Ron Mercer  
00:54:54 Sen. Barkus  
00:55:18 Ron Mercer  
00:56:56 Sen. Barkus  
00:57:19 Ron Mercer  
00:59:38 Sen. Gillan  
01:00:33 L. Harold Blattie, MACo  
01:04:12 Sen. Erickson  
01:04:39 Sen. Lewis  
01:05:01 Pat Melby, HRAA  
01:06:28 Sen. Erickson  
01:06:54 Pat Melby  
01:08:19 Chairman Esp  
01:09:16 Pat Melby  
01:10:40 Chairman Esp  
01:11:11 Sen. Erickson  
01:11:27 Alan Nicholson  
01:15:26 Chairman Esp  
01:15:34 Pat Melby  
01:16:24 Chairman Esp  
01:16:40 Steve Netschert  
01:17:52 Sen. Essmann  
01:18:21 Chairman Esp  
01:18:44 Tom Ebzery  
01:19:05 Sen. Essmann  
01:20:01 Tom Ebzery  
01:20:39 Sen. Essmann  
01:21:13 Alan Nicholson

**Closing by Sponsor:**

01:23:09 Sen. Lewis

**HEARING ON SB 365**

**Opening Statement by Sponsor:**

01:27:40 Sen. John Brueggeman (R), SD 6, opened the hearing on SB 365, Revise local government law re: wildland fire protection fees.

**Proponents' Testimony:**

01:30:38 Lee Manick, Polson resident, Trustee of Fish River  
Fire Service Area

[EXHIBIT\(los34a05\)](#)

**Opponents' Testimony:**

01:37:45 Ronald Buentemeier, Columbia Falls resident

[EXHIBIT\(los34a06\)](#)

01:41:48 Tom Ray, Vice President, Plum Creek Timber Operations

01:42:38 Paul MacKenzie, representing Montana Tree Farms

01:44:38 Chuck Rody, F.H. Stoltz Land and Lumber, Columbia  
Falls

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:46:13 Sen. Essmann

01:46:40 Sen. Brueggeman

01:47:07 Sen. Tutvedt

01:47:23 Sen. Brueggeman

**Closing by Sponsor:**

01:48:52 Sen. Brueggeman

01:49:05 Recess

01:59:21 Reconvene

**EXECUTIVE ACTION ON SB 8**

01:59:34 **Motion:** Sen. Erickson moved that **SB 8 DO PASS.**

01:59:42 **Motion:** Sen. Erickson moved that **SB 8 BE AMENDED.**

[EXHIBIT\(los34a07\)](#)

[EXHIBIT\(los34a08\)](#)

**Discussion:**

02:00:39 Leanne Heisel

02:01:56 Sen. Laslovich arrived at meeting.

**Discussion:** (Con't)

02:07:24 Chairman Esp  
02:08:07 Sen. Essmann  
02:10:17 Chairman Esp  
02:10:41 Leanne Heisel

02:11:01 **Substitute Motion:** Sen. Erickson made a substitute motion that **SB 8 BE AMENDED SEGREGATING OUT SECTION 3B OF SECTION 8 ON PAGE 4.**

**Discussion:**

02:11:14 Sen. Barkus  
02:11:53 Chairman Esp  
02:12:15 Sen. Erickson  
02:12:28 Sen. Barkus  
02:12:58 Chairman Esp  
02:13:26 Sen. Gillan  
02:13:41 Leanne Heisel  
02:14:06 Chairman Esp  
02:14:22 Sen. Gillan  
02:14:44 Chairman Esp  
02:15:03 Sen. Gillan

02:15:44 **Vote:** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

02:15:59 **Motion/Vote:** Sen. Erickson moved that **SB 8 DO PASS AS AMENDED.** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

**EXECUTIVE ACTION ON SB 272**

02:17:36 **Motion:** Sen. Barkus moved that **SB 272 DO PASS.**

**Discussion:**

02:17:44 Sen. Barkus  
02:18:08 Chairman Esp  
02:19:24 Sen. Erickson  
02:19:56 Sen. Tutvedt  
02:20:53 Sen. Gillan  
02:22:42 Sen. Essmann  
02:23:31 Sen. Jackson

02:25:02 **Vote:** Motion failed 3-6 by roll call vote with Sens. Barkus, Jackson, and Tutvedt voting aye and Sen. Gallus voting by proxy.

02:25:36 Without objection from the committee, Sen. Erickson requested that the bill be tabled and the vote reversed.

**EXECUTIVE ACTION ON SB 61**

02:26:11 **Motion:** Sen. Erickson moved that **SB 61 DO PASS.**

**Discussion:**

02:26:28 Chairman Esp

02:26:46 **Substitute Motion/Vote:** Sen. Tutvedt made a substitute motion that **SB 61 BE TABLED.** Substitute motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

**EXECUTIVE ACTION ON SB 352**

02:27:52 **Motion:** Sen. Tutvedt moved that **SB 352 DO PASS.**

**Discussion:**

02:28:02 Chairman Esp

02:28:39 **Substitute Motion/Vote:** Sen. Essmann made a substitute motion that **SB 352 BE TABLED.** Substitute motion carried 6-3 by voice vote with Sens. Erickson, Gallus, and Laslovich voting no and Sen. Gallus voting by proxy.

02:29:45 Chairman Esp

**Additional Exhibits:**

**[EXHIBIT\(los34a09\)](#)**

Relating to SB 345 heard in committee on February 11, 2009

**ADJOURNMENT**

Adjournment: 5:30 P.M.

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Debra Polhemus, Secretary

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Additional Documents:

**EXHIBIT ([los34aad.pdf](#))**